

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PAMELA WOLOSKY,	:	Civil Action No. 2:14-cv-00804-NBF
	:	
Plaintiff,	:	
vs.	:	JURY TRIAL DEMANDED
	:	
TRINITY AREA SCHOOL DISTRICT,	:	
PAUL KASUNICH, AMY MCTIGHE,	:	
	:	
Defendants.	:	

**MOTION FOR ENLARGEMENT OF TIME
TO FILE DEFENDANTS' ANSWER**

Defendants Trinity Area School District, Dr. Paul Kasunich, and Amy McTighe by and through their attorneys, John Smart, Esquire and the law firm of Andrews & Price, LLC file the following Motion for Enlargement of Time to File Defendants' Answer, averring as follows:

1. Pursuant to Fed.R.Civ.P. 12(b)(6), the Defendants have moved to dismiss some of Plaintiff's claims for failure to state claims upon which relief can be granted.
2. This has been construed by some courts as a "partial motion to dismiss".
3. Rule 12 is unclear as to whether a defendant's submission of a partial motion to dismiss prior to the expiration of its time for answering the complaint automatically extends the time within which it must respond to any claims not addressed in its motion.
4. Defendants respect this Honorable Court's valuable time and resources; however, it would be difficult and unduly burdensome for the Defendants to file a partial answer to Plaintiff's intertwined allegations.
5. Defendants' have engaged in a legitimate effort to narrow the claims at issue, which may or may not automatically toll its obligation to respond to the counts that are not the subject of its Motion to Dismiss.

6. Therefore, Defendants explicitly requests that this Court grant an extension of time with which Defendants may answer the entire Complaint (in event of denial of Defendants' motion).

7. Alternatively, Defendants explicitly request that this Court require Plaintiff to amend its Complaint in accordance with this Court's Order on Defendants' motion to dismiss (in the event of the granting of Defendants' motion).

8. Defendants' Motion to Dismiss must not foreclose Defendants' rights to file an answer the allegations of Plaintiff's Complaint after this Court resolves Defendants' Motion to Dismiss.

WHEREFORE, the Defendants request that this Honorable Court grant their Motion for and Enlargement of Time to File and Answer.

Respectfully submitted,

ANDREWS & PRICE LLC

By: /s/ John W. Smart
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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2014, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic case filing system and constitutes service of this filing under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

/s/ John W. Smart

John W. Smart, Esq.